

DETAILED ACTION

Election/Restrictions

Claims 1, 2, 4, 7, 8, and 11-16 are directed to an allowable product. Pursuant to the procedures set forth in MPEP § 821.04(B), claims 5 and 6, directed to a species of the liquid phase, and claims 18-22, directed to the process of making or using an allowable product, previously withdrawn from consideration as a result of a restriction requirement, are hereby rejoined and fully examined for patentability under 37 CFR 1.104.

Because all claims previously withdrawn from consideration under 37 CFR 1.142 have been rejoined, **the restriction requirement as set forth in the Office action mailed on 11/18/2008 is hereby withdrawn.** In view of the withdrawal of the restriction requirement as to the rejoined inventions, applicant(s) are advised that if any claim presented in a continuation or divisional application is anticipated by, or includes all the limitations of, a claim that is allowable in the present application, such claim may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application. Once the restriction requirement is withdrawn, the provisions of 35 U.S.C. 121 are no longer applicable. See *In re Ziegler*, 443 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP § 804.01.

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be

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filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Kevin Godlewski on July 19, 2011.

The application has been amended as follows:

In claim 1, line 6; "the catalyst and/or of" has been deleted.

In claim 11, line 3; "of the" has been deleted.

In claim 16, line 2; "at least one" has been substituted by --precursor of the--.

In claim 18, line 1; "Method" has been substituted by --A method--.

In claim 18, line 4; after "in the liquid phase", --, the method comprising:-- has been added.

In claim 18, lines 4-5; "wherein after application of" has been substituted by --applying--.

In claim 18, line 5; after "on a substrate," --sprinkling-- has been added.

In claim 18, lines 5-6; "is sprinkled" has been deleted.

In claim 18, line 6; after "wet liquid phase layer", --on the substrate, wherein the liquid phase comprises a compound which is reactive with the precursor in the powder phase to form a Lewis base or Lewis acid after the liquid phase is exposed to the powder phase-- has been added.

In claim 19, line 1; "Method" has been substituted by --The method--.

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In claim 19, line 1; “17, characterised in that” has been substituted by --18, further comprising: after sprinkling the powder phase over the wet liquid phase layer, applying a second layer of the liquid phase; wherein--.

In claim 19, line 2; “freshly” has been deleted.

In claim 19, line 2; after “layer of liquid phase”, --on the substrate-- has been added.

In claim 19, lines 3-4; “, and in that after sprinkling the powder phase over the wet liquid phase layer, a second layer of the liquid phase is applied” has been deleted.

In claim 21, line 2; “at least one” has been substituted by --precursor of the--.

In claim 22, line 2; “at least one” has been substituted by --precursor of the--.

Claims 9 and 17 are cancelled.

Allowable Subject Matter

The following is an examiner’s statement of reasons for allowance: the most pertinent art known by Caldwell et al. (US Patent No. 6316535), teaches an aqueous, two component system for coating a substrate, comprising a catalyst, such as dibutyltin dilaurate (Lewis acid) [col3, line5-10], a filler such as sand or chalk [col3, line11-25], the first component comprising a polyol, the second component comprising a polyisocyanate [col5, ex1]. Caldwell et al. teaches the catalyst is employed in an amount of 0.4 wt. % based on 100 wt.% of the filler.

Caldwell et al. fails to teach the powder phase, comprising a solid carrier material and at least a part of a precursor of a catalyst. Caldwell et al. does not contain sufficient suggestion, teaching, or motivation that would lead us from the taught two phase composition, to the specific claimed two component composition wherein the liquid phase comprises a compound which is reactive with the precursor in the powder phase to form a Lewis base or Lewis acid wherein the liquid phase is exposed to the powder phase, as claimed by the instant application. Furthermore, catalysts are dependent on the system in which they are used, and there is no reasonable expectation of success that a catalyst precursor, when reacted with the polymer binder, to form a Lewis acid or base would catalyze the system. Such a reconstruction of the claims would be based on impermissible hindsight.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Correspondence

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jessica Paul whose telephone number is (571)270-5453. The examiner can normally be reached on Monday thru Friday 8:00- 6:00p; alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Eashoo can be reached on 571-272-1197. The fax

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phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/MILTON I CANO/

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Examiner

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/JMP/